FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
APR - 1 1999
JAMES W. McCORMACK, CLERK
By: [signature] DEP CLERK

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
_______________ DIVISION

"THE PLAINTIFF REQUEST A TRIAL BY JURY"

DONALD L. BROWN

(Enter above the full name of the plaintiff, or plaintiffs, in this action.)

CASE NO. PB-C-99-144

v.

GERALD JORGENSON, DONNA BROWN, DR. GRASSE, C. LUNDY, MICHAEL GALSTER

INDIVIDUAL (OR PERSONAL) CAPACITY

(Enter above the full name of defendant or defendants, in this action.)

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No _____

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this lawsuit

Plaintiffs: _______________

Defendants: _______________

2. Court (if federal court, name the district; if state court, name the county: _______________

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3. Docket Number: ____________________

4. Name of judge to whom case was assigned: ____________

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?): ____________

6. Approximate date of filing lawsuit: ____________

7. Approximate date of disposition: ____________

II. Place of Present Confinement: ____________________

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III. There is a prisoner grievance procedure in the Arkansas Department of Correction. Failure to complete the grievance procedure may affect your case in federal court.

A. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ✓ No _____

B. If your answer is YES, Attach copies evidencing completion of the final step of the grievance appeal procedure. **FAILURE TO ATTACH THE REQUIRED COPIES MAY RESULT IN THE DISMISSAL OF YOUR COMPLAINT.**

C. If your answer is NO, explain why not: ____________

____

____

IV. Parties
(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff: DONALD L. BROWN

Address: JCJ/CF 7306 W. 17th

PINE BLUFF, ARK 71603

Name of plaintiff: ____________________

Address: ____________________

Name of plaintiff: ____________________

Address: ____________________

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.)

Defendant: GERALD JORGENSON

Position : REGIONAL DIRECTOR CMS

Place of employment: ARK. DEPT. OF CORR.

Address: P.O. BOX 8707, PINE BLUFF ARK 71611

Defendant: DONNA BROWN

Position : INFIRMARY MGR

Place of employment: ARK. DEPT. OF CORR.

Address: HC 62 BOX 300 CALICO ROCK AR 72519

Defendant: C. LUNDY

Position : REGIONAL MGR

Place of employment: ARK. DEPT. OF CORR.

Address: P.O. BOX 8707, PINE BLUFF AR 71611

Defendant: MICHAEL GALSTER

Position : CONTRACTOR ORTHO. SHOES

Place of employment: ARK. DEPT. OF CORR.

Address: 2407 S. CHERRY ST., PINE BLUFF AR 71602

Defendant: DR. GRASS

Position : PHYSICIAN

Place of employment: ARK DEPT. OF CORR.

Address: NCU CALICO ROCK ARK 72519

V. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

A. ISSUE A DECLARATORY JUDGEMENT THAT DEFENDANTS VIOLATED THE U.S. CONSTITUTION AND STATE LAW WHEN THEY: 1. WERE DELIBERATE INDIFFERENT IN TAKING (18) MONTHS IN PROVIDING PLAINTIFF PRESCRIBED SHOES. B. GRANT COMPENSATORY DAMAGES IN THE FOLLOWING AMOUNT: A GRANT 7.000., AGAINST EACH DEFENDANT. C. GRANT PUNITIVE DAMAGES OF 10.000., AGAINST EACH OF THE DEFENDANTS. D. GRANT SUCH OTHER RELIEF AS IT MAY APPEAR PLAINTIFF IS ENTITLED TO FOR PAIN AND SUFFERING EMOTIONAL DISTRESS.

I declare under penalty of perjury (18 U. S. C. § 1621 that the foregoing is true and correct.

Executed on this 30 day of MARCH, 1999.

Donald L. Brown

Signature(s) of plaintiff(s)

Civil Rights Complaint
With a Jury Demand

This is a 1983. action filed by Donald L. Brown a state Prisoner. alledging violation of his constitutional Rights and seeking money damages The Plaintiff request a trial by jury.

Jurisdiction

1. This is a civil Rights action under 42 u.s.c. 1983. This Court has jurisdiction under 28 U.S.C. 1343. Plaintiff also invokes the Pendent jurisdiction of this Court.

Parties

2. Plaintiff Donald L. Brown is Presently incarcerated at the Ark. Dept. of Corr.

3. Defendant G. Jorgenson. Regional Director.
4. " D. Brown. Infirmary MGR.
5. " Dr. Grasse. Physician
6. " C. Lundy MGR.
7. " M. Galster Contractor

Statement of the case

In 1989 Plaintiff was diagnose as needing special shoes for feet deformities. Since then until 1996 I had been examined by several orthopedics Surgeons who recommendations were the same: shoes extra wide box toe, extra depth, soft leather upper with insoles. yearly scrip expired June 28, 1997. C. Tundy MSR. hadn't found a Company to contract with. Once this was accomplished I was defered for a reevaluation by Dr. Grasse.

Jan. 2, 1998 I was seen at orthotics by Mr. Galster, who said shoes would be ready in two weeks.

Five (5) months had gone by and Infirmary mgr. Donna Brown said C. Tundy had refused to sign purchase order. I was wearing torn shoes that caused pain because they no longer added support to feet. Besides, I had experienced the same problem on two occasions prior to this incident. Having to resort to filing Suits every time I need prescribed shoes Causes alot of emotional stress.

Facts

1. On feb. 25, 1998, and several months prior I was un-necessarily delayed receiving prescribed treatment / ortho. shoes because C. Lundy defered purchase to have me and others reevaluated by a less qualified and less competent Dr. Grasse. My medical record would've affirm my need for Ortho. shoes; plus my most recent examination Nov. 19, 1996 by a qualified and competent orthopedic Surgeon, Wyne Brufette.

2. March 9, 1998. I was seen at north Central unit Infirmary for complaints of foot pain and worn shoes.

3. March 23, 1998, while at Ortho. Clinic I tried on the shoes. I notice that left shoe wasn't the right size. I told Mr. Galster, and he insisted I wear them because they would stretch. He said if shoes caused problem after wearing them he would exchange them. I told him that medical staff was indifferent to my needs. Therefore. I needed something in writing to verify that I told him about the improper fit of left shoe.

He declined and told me to have medical staff contact him. Its clear Mr. Galster was skilled in his business. He had a through knowledge of the product he made and sold. For him to insist I wear a shoe that was to small after seeing the poor condition of my feet is Deliberate Indifference.

4. I arrived at mcu and wrote request informing Donna Brown Infirmary manager what happen at the clinic.

Three days later I wrote another request Telling her that shoes were to painful to wear and that I needed an exchange.

5. April 30, 1998 I had informed all defendants except Gerald Jorgenson, and dr. Grasse. of the nature of my problem.

One day I spoke with Mr Trotter Investigator. He had talked with Mr. Jorgenson, regional Director about my need for an exchange of shoes. According To Mr. Trotter. Mr Jorgenson had received erroneous information that my shoes fitted perfectly. He said as far as he was Concern my problem was resolved.

I wrote Infirmary manager Donna Brown and requested that she contact Mr. Jorgenson and tell him about my Orthotic visit and the problem I encountered while there, I ALSO WROTE MR. JORGENSON AND TOLD HIM WHAT HAPPEN AT THE CLINIC. I ASKED HIM TO CALL MS. BROWN FOR VERIFICATION OF THE INCIDENT.

6. A PRIME EXAMPLE OF DELIBERATE INDIFFERENCE, TAINTED WITH RETALIATION FOR GRIEVANCES FILED AGAINST HIM AND MS. HUNT. IN 1989, I WAS GIVEN A PHYSICAL AND CLASSIFIED M3-P (PERMANENT). SEPT. 26, 1997, ALL MOST TEN (10) YEARS LATER AT AGE 44 DR. GRASSE UP-GRADED MEDICAL STATUS WITH OUT MY KNOWLEDGE. HE INTENTIONALLY IGNORED MEDICAL LIMITATIONS, INCLUDING THAT I AM PRESENTLY TAKEN AN ANTIDE-PRESSANT NARDIL, 15 MG FOUR TIMES DAILEY. PLUS, I WEAR ORTHOPEDIC SHOES AND I HAVE NUMEROUS FEET PROBLEMS.

DR. GRASSE HAS BEEN AROUND FOR YEARS AND HE KNOW THAT SOME UNITS FORCES M2'S TO DO FIELD WORK WHICH MAKES IT POSSIBLE FOR ME TO BE SUBJECTED TO A RISK OF FUTURE HARM, CONSTANT HARASSMENT AND DISCIPLINARY ACTION. BECAUSE FIELD WORK OF ANY KIND WOULD BE INCOMMENSURATE TO HEALTH. AS A RESULT OF DEFENDANTS ACTS OR OMISSIONS, I WAS FORCED TO SUFFER PAIN AND EMOTIONAL DISTRESS FOR (18) GRUELING MONTHS.

7. ALL DEFENDANTS HAVE (ACTED) UNDER COLOR OF STATE LAW DURING ALL TIMES RELEVANT TO THIS COMPLAINT. THE ACTIONS OF DEFENDANTS STATED IN PARAGRAPHS 1-6 VIOLATES PLAINTIFF EIGHTH AMENDANTS RIGHT OF THE DELIBERATE INDIFFERENCE STANDARD.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

Exhibits Attached to Original Document in Court's Case File